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DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 11/13/06

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November 7, 2006

Hon. Kenneth M. Karas
Judge, U.S. District Court
United States Courthouse
500 Pearl Street – Rm. 2260
New York, N.Y. 10007-1312
Fax No: 212 805-7968

Re: *United States v. Alberto Vilar - 05 Cr. 0621*

Dear Judge Karas:

I am writing to request an order permitting Mr. Vilar to leave his home on Wednesday, November 8, 2006, in order to participate in a social engagement (dinner and a play) with Mr. Walter Pfaeffle. My associate has spoken to Pretrial Services Officer Barrios and he informed us that he takes no position on this request. We have also contacted AUSA Litt who informed us that he is opposed to the request. (See attached letter dated November 6, 2006).

Mr. Pfaeffle is one of Mr. Vilar's bail signatories. It is therefore important that Mr. Pfaeffle have every opportunity to exert the moral suasion expected of any surety on a bond. Indeed, one of the questions routinely posed at a surety interview is how often does the proposed surety see the defendant. Because Mr. Pfaeffle is a surety who has posted considerable assets, he has a significant interest in seeing that Mr. Vilar abides by his conditions of release. Neither the Court nor pretrial services should be concerned that this social engagement will be the occasion for Mr. Vilar to violate any of his bail conditions.

AUSA Litt, in opposing this request, noted that Mr. Vilar's bail conditions "provide [Mr. Pfaeffle] numerous opportunities for social contact with Mr. Vilar both within and without Mr. Vilar's residence". Mr. Vilar, however, is only permitted to leave his home for legal and medical appointments, church services and his prescribed outdoor walking exercises. While obviously Mr. Pfaeffle can visit Mr. Vilar at his home or take a walk with him, Mr. Vilar has been subject to home confinement for eighteen months with no clear indication as to when his trial will begin. The Government, in a recent letter to this Court, has stated that they do not believe that they will be prepared for trial by the upcoming trial date in January. (Government's letter dated Friday, November 3, 2006).

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Mr. Vilar's current bail conditions permit him to spend occasional periods of time outside of his home at the discretion of his pretrial services officer. Officer Barrios has deferred to the Court on this particular request. Given the length of time Mr. Vilar has and will spend in pretrial home confinement, we ask the Court for a measure of greater flexibility, including permission for Mr. Vilar to spend an evening outside of his home with one of his bail signatories.

Thank you for your attention.

Very truly yours,

SUSAN C. WOLFE

Susan C. Wolfe

cc: AUSA Marc Litt
Leo Barrios, Pre-trial

As noted before, the Court believes requests such as this could be done farther in advance. Moreover, Mr. Vilar may meet with his friends at home. ~~Finally~~ Thus, the Court denies this request.

SO ORDERED
MK
KENNETH M. KARAS U.S.D.J.
11/8/06